

Legal Issues Connected with Gender

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Legislation all over the world has made significant progress on gender issues throughout the last hundred years; however, legal issues related to gender continue to negatively influence the lives of women worldwide. There is a popular stereotype suggesting that the barriers for women in modern society are merely social. This stereotype is not true, as social obstacles experienced by women are reflected in law, even in first-world countries. Some of the most significant legal issues in first-world countries related to gender are labor law restrictions that create wage gaps, a lack of access to parental leave, the violation of reproductive rights, and legal issues related to health and domestic violence; however, women in some countries face partial or complete deprivation of basic human rights.

The intersection of gender issues and legal issues is so strong that it is studied from the perspective of a separate analytic lens: feminism legal theory. According to the feminist legal theory, the law is seen as an instrument of patriarchal supremacy that helps to put women in a vulnerable position in society (Baer, 2011). Conventional legal doctrines may have a fundamental male bias that disregards the female experience in society. Moreover, the theory suggests that the legal theories developed by men do not fit the reality that women live in (Baer, 2011). The feminist legal doctrine also stresses on the importance of women adjusting the legal system to reflect their experiences in society.

One of the most widespread issues covered by the theory are the problems faced by women in the area of labor law. Labor law is the area of law in which many of the gender-related legal issues are encompassed. According to the survey conducted by the World Bank, women face various legal obstacles in the workplace in 155 countries of the world (González, 2015).

These issues occur due to the presence of laws that hinder the economic opportunities of women. In particular, about 100 countries have gender-based job restrictions, which result in many women being forced to choose low-paying jobs (González, 2015). The countries with gender-based job restrictions tend to have bigger wage gaps, which often results in families compromising the education of their daughters for the sake of investing in the future opportunities of their sons.

The wage gap in most countries tends to increase when women hit their thirties, which is the primary childbearing age in the western world. The fact that the wage gap increases in such a dramatic way during this time is explained by the lack of legal protections that would help working mothers navigate their careers and family without losing most of their opportunities. Improvement in this area can be achieved with appropriate legislation. In particular, the presence of laws regulating parental leave for fathers has a positive impact on decreasing the wage gap (González, 2015). The USA does not come close to resolving this issue positively, as legal issues with parental leave are deeply rooted.

The USA is one of the two countries in the world that does not have a national paid leave policy and the only developed country not to have such a policy. This puts a heavy burden on families, making family-planning extremely difficult. Paid leave policies are offered by some private companies; however, the benefits of such policies are not enjoyed countrywide (Isaacs et al., 2017). The conditions of paid leave policies in these companies are not ideal, as most companies offer only up to six weeks for the leave. This number is much smaller than in any country in the world, forcing American women to make decisions that benefit neither their careers nor families. All in all, gender issues in workplace legislation ought to be addressed

because equal laws boost the participation of women in labor. Female labor participation has a staggeringly positive impact not only on the state of human rights but on the economy as well.

Legal challenges faced by women due to their gender are not restricted to employment law, equal pay, and related areas of legal regulation. Other legal issues faced by women are related to reproductive rights, health, and domestic violence, among other areas. In the USA, all of these issues are a part of the political agenda, which makes women fear for their rights depending on the political course of the current administration. The legal protections related to these issues are negatively affected by the Trump administration. The introduction of Brett Kavanaugh as a new Supreme Court judge puts women's rights in danger to the point of reversing *Roe v. Wade*—a Supreme Court decision inherent to women's reproductive rights in the country. In addition, the proposed budget cuts threaten Medicaid, which provides millions of women in the USA with accessible healthcare services (Katch, Schubel & Broaddus, 2017). Since most low-income people in the country are female, the loss of healthcare protections poses a serious issue. Although political threats to legal protections might not seem like a serious issue, it is crucial to address the possibility of losing rights before irreversible damage is done.

Even though women face legal discrimination all over the world, the scope to which legislation discriminates women in some countries of the third world is unimaginable. This can be illustrated using labor law as an example. While women face legal burdens from entering certain professions in more than 100 countries, the most shocking fact is that men can legally prohibit their wives from working outside their homes in at least 18 countries because of the legal mechanism of guardianship (González, 2015). Extreme legal restrictions on women's rights are often implemented in countries dominated by rigid religious rules. A notorious example of

this is Saudi Arabia, where women are stripped of the majority of civil liberties available to adults in the USA and European countries. The reason for such limitation is the different legal status that women have in the country. A Human Rights Watch report described the legal status of women in Saudi Arabia as one of "perpetual minors" (Manea, 2013). Saudi legislation forces women to legally depend on a male guardian for their entire lives regardless of their age, social, and economic status. As a result, all legal decisions, including those related to education, labor, health, marriage, property, and any other relevant areas of their lives, are made for women by their guardians. The legislation goes as far as to restrict the freedom of movement. Guardianship lasts through an entire life and is passed from father to husband, and finally to a son or younger relative if a woman outlives her husband. In practice, such legislation strips women of most human rights, including the right to live in some extreme cases.

The status of "perpetual minors" denies women any protection from domestic violence since the agents of the violence serve as their legal guardians. There are no laws on domestic violence protections in countries with heavily restricted human rights for women (Manea, 2013). One of the most atrocious outcomes of the domestic violence against women is the practice of "honor killings," which is a dreadful practice of male family members killing female family members for any deed they subjectively consider to be inappropriate. While the legislation does not necessarily allow honor killing, countries like Pakistan tend to turn a blind eye to such practices. In 2016, public protests in Pakistan resulted in the Pakistani government passing an anti-honor killing law (Ijaz, 2014). Despite the formal presence of the law, its enforcement in the country remains problematic. Honor killings constitute an international law issue that goes

beyond domestic legislation due to the failure of the latter to prevent them. However, the mechanisms of influence to prevent these atrocities are not developed well enough.

To conclude, it is clear that the legal issues related to gender persist regardless of all the progress made by humanity in this area. The good news is that the legal instruments to correct these issues exist and can be put to use—at least in the countries where basic human rights of women are respected. However, the implementation of the changes requires a consolidated effort of lawmakers, politicians, and society. The issues in the countries where the human rights of women are more far-reaching and require complex instruments of international influence. In the end, the countries with managed legal issues related to gender often have healthier economies and an improved quality of life, which affects every person positively. Therefore, it makes sense for everyone to strive for a resolution of gender-related legal issues.

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